

SENATE BILL No. 507

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-13-3.

Synopsis: Attorney and judicial discipline complaints. Permits a prosecuting attorney and a public defender to seek reimbursement from the state tort claim fund for reasonable attorney's fees incurred in defending against a claim of attorney misconduct if: (1) the alleged misconduct relates to the person's official duties or status as a prosecuting attorney or public defender; (2) the claim of misconduct does not result in a sanction; and (3) the attorney general approves the reimbursement.

Effective: July 1, 2015.

Bray

January 14, 2015, read first time and referred to Committee on Judiciary.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 507

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-13-3-23.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 23.5. (a) The following definitions**
4 **apply throughout this section:**

5 (1) "Prosecuting attorney" has the meaning set forth in
6 IC 33-39-9-3.

7 (2) "Public defender" means an attorney employed by an
8 official county public defender agency at the time the actions
9 leading to a disciplinary complaint occurred.

10 (3) "Reasonable attorney's fees" means the usual and
11 customary fees for work done by a defense attorney who
12 practices before the disciplinary commission.

13 (b) A public defender or prosecuting attorney may seek
14 reimbursement from the state for reasonable attorney's fees
15 incurred by the public defender or prosecuting attorney in
16 defending against a claim of attorney misconduct, if the following



conditions are met:

(1) The alleged misconduct:

(A) relates to the performance of the official duties of the prosecuting attorney or public defender; or

(B) is based on the person's position as a prosecuting attorney or public defender.

(2) The claim of attorney misconduct does not result in a sanction (including a private reprimand) against the prosecuting attorney or public defender.

(3) The attorney general approves the reimbursement.

The attorney general may approve reimbursement in an amount less than the amount requested by the prosecuting attorney or public defender.

SECTION 2. IC 34-13-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 24. There is appropriated from the state general fund to a separate fund known as the state tort claim fund sufficient funds to:

(1) settle claims and satisfy tort judgments obtained against the state; and

(2) pay expenses authorized by this chapter, including:

(A) liability insurance premiums;

(B) interest on claims and judgments;

(C) attorney's fee reimbursement for prosecuting attorneys and public defenders; and

~~(D)~~ **(D)** expenses incurred by the attorney general in employing other counsel to aid in defending or settling claims or civil actions against the state.

